NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION DAMAGE ASSESSMENT, REMEDIATION, AND RESTORATION PROGRAM

GENERAL COUNSEL FOR NATURAL RESOURCES SECTION FISCAL YEAR 2014 INDIRECT COST RATE



Answers Questioned

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GENERAL COUNSEL FOR NATURAL RESOURCES SECTION FISCAL YEAR 2014 INDIRECT COST RATE

Cotton & Company LLP is under contract with the National Oceanic and Atmospheric Administration (NOAA) to develop an indirect cost rate for recovering General Counsel for Natural Resources Section (GCNRS) indirect costs incurred for restoration of injured natural resources.

The purpose of this report is to provide GCNRS with the results of Cotton & Company's review of fiscal year (FY) 2014 costs and our development of an indirect cost rate for Damage Assessment, Remediation, and Restoration Program (DARRP) costs. This document describes our methodology and presents the GCNRS FY 2014 indirect cost rate in the exhibit, followed by supporting schedules detailing costs by task and by object class. This rate will be used to determine indirect damage assessment and restoration costs allocable to specific cases for cost-recovery purposes.

BACKGROUND

NOAA has statutory authority to protect and restore the nation's coastal and marine resources. This authority includes the Comprehensive Environmental Response, Compensation, and Liability Act; Oil Pollution Act of 1990; Federal Water Pollution Control Act; and National Marine Sanctuaries Act. These laws provide for the recovery of restoration costs from parties potentially responsible for injuring natural resources and their services.

To fulfill its responsibility as a natural resource trustee under this legislation, NOAA established DARRP. DARRP's mission is to assess damages and restore marine and coastal resource injuries resulting from hazardous substance or oil spills, as well as ship groundings caused by responsible parties. This mission is accomplished through conducting Natural Resource Damage Assessments (NRDA). DARRP is comprised of three NOAA component organizations: the Office of Response and Restoration within the National Ocean Service, the Restoration Center within the National Marine Fisheries Service, and GCNRS.

FINANCIAL MANAGEMENT SYSTEM

GCNRS's costs reside in NOAA's financial management system, Commerce Business Systems (CBS). CBS identifies costs by financial management centers (FMC), task codes, and object classification codes. FMCs are groups of organizations that control funding activities. GCNRS's FY 2014 costs were accumulated under FMC 102 (the Office of General Counsel).

DARRP organizations assign each NRDA case, as well as other projects and activities, with one or more unique task codes. GCNRS tracks both labor and non-labor costs by task code. Object classification codes identify the type of cost (such as salaries, travel, and contracts).

GCNRS uses task codes to accumulate its indirect costs associated with DARRP. These are costs for general and administrative activities that support, sustain, or enhance the DARRP mission. Examples of such activities include:

- Employee recruitment and training.
- General budget formulation, monitoring, analysis, and reporting.
- Non-case-specific management and staff meetings on administrative matters.
- General cost accounting, computer support, and secretarial support.
- General records management and database support.
- General program policy and development.
- Techniques and methods development.

NOAA applies internal burden (overhead) rates to labor costs in CBS to recover agency overhead from each FMC for leave, benefits, and management and support costs. The following are NOAA's overhead rate components and bases of application:

- Leave Surcharge is applied to labor costs and includes costs for administrative, annual, and sick leave.
- **Personnel Benefits** is applied to labor and leave costs. It includes payroll taxes, civil service retirement, health benefits, life insurance, regular employer retirement contributions, Federal Insurance Contributions Act payments, and Federal Retirement Service thrift savings plan basic and matching contributions.
- NOAA Administrative Support is applied to labor and leave costs. It includes costs
 incurred by NOAA's executive, line, and other supporting offices. These costs are
 associated with administrative functions such as personnel, training, procurement,
 telecommunications, operations, storage, mail, housekeeping, and other common
 services.

INDIRECT COST ALLOCATION METHODOLOGY

We developed the indirect cost rate methodology using generally accepted accounting principles, Cost Accounting Standards, and Statement of Federal Financial Accounting Standards (SFFAS) No. 4, *Managerial Cost Accounting Concepts and Standards for the Federal Government*. The following principles are inherent in this allocation method:

- The costing methodology for identifying and allocating costs as direct or indirect is consistently applied.
- The allocation base that best approximates benefits accruing to cost objectives is selected.
- All items properly included in the allocation base are included and receive their share of indirect costs.
- Indirect costs are assigned to cost objectives on a cause-and-effect basis or by allocating on a reasonable and consistent basis.

To develop the indirect cost rate, we:

 Obtained an understanding of GCNRS procedures for documenting DARRP costs, including its financial management system and business practices.

- Obtained downloads of FY 2014 GCNRS cost transactions and performed tests to verify the completeness and accuracy of these downloads.
- Identified costs incurred on DARRP tasks, with the assistance of GCNRS personnel.
- Identified DARRP task codes as either direct or indirect and accumulated related costs in these categories.

In addition, we adjusted costs as necessary to ensure the accuracy and completeness of the indirect cost pool and base. Significant adjustments to GCNRS costs are described below:

- Labor cost downloads did not include NOAA internal burden charges. We applied
 applicable NOAA leave, benefit, support, and General Services Administration (GSA) rent
 rates to both direct and indirect labor costs. We included those costs allocable to
 indirect labor in the indirect cost pool.
- Labor cost downloads did not include the cost of compensatory travel time earned. We calculated compensatory travel time costs by task, based on employee timesheets and labor rates, and included these costs in the indirect cost pool and/or base.
- We excluded from the indirect cost pool all GCNRS tasks that did not benefit DARRP or
 for which the benefit to DARRP could not be measured. To the extent that management
 and support costs were allocable to these tasks, we excluded those costs from the
 indirect cost pool.
- We excluded from the indirect cost pool and base all costs allocable to the Office of National Marine Sanctuaries (ONMS). A separate GCNRS indirect cost rate is developed for ONMS cost recovery actions.

SFFAS No. 4, Paragraph 124, states that costs should be allocated using one of the following three methods:

- 1. Directly tracing costs (wherever feasible and economically practicable);
- 2. Assigning costs on a cause-and-effect basis; or
- 3. Allocating costs on a reasonable and consistent basis.

It is not practical or feasible to directly assign DARRP indirect costs to final cost objectives. We consider direct labor costs an appropriate base for allocating DARRP indirect costs to benefiting activities and therefore calculated the FY 2014 indirect cost rate with direct labor costs as a base. The direct labor base does not include the cost of overtime or premium pay that increases labor costs without a corresponding increase in effort.

We performed our work in accordance with the Statement on Standards for Consulting Services promulgated by the American Institute of Certified Public Accountants. We did not review or evaluate NOAA's internal burden rates. Because the indirect cost allocation methodology used to develop the indirect cost rate does not constitute an examination made in accordance with generally accepted auditing standards, we do not express an opinion on GCNRS's financial statements or its indirect cost rate. This report relates only to the accounts and items specified in the attached exhibit and schedules, and does not extend to any financial statement of NOAA.

The information contained in this report is intended solely for the purposes described in the first section of this report and should not be used for any other purpose.

COTTON & COMPANY LLP

Michael W. Gillespie, CPA, CFE

Partner

November 6, 2015

Ехнівіт

GENERAL COUNSEL FOR NATURAL RESOURCES SECTION FISCAL YEAR 2014 DARRP INDIRECT COST RATE

Total Indirect Costs	\$820,905
Less:	
Indirect Costs Allocable to Non-DARRP Activities	(146,790)
Indirect Costs Allocable to ONMS Activities	<u>(365)</u>
Net Indirect Costs	<u>\$673,750</u>
Direct Labor Base	<u>\$2,294,191</u>
Indirect Cost Rate	<u>29.37%</u>

SCHEDULE 1

GENERAL COUNSEL FOR NATURAL RESOURCES SECTION FISCAL YEAR 2014 DARRP COSTS BY TASK CODE

Task Code	Task Code Description	Direct Labor Costs	Other Direct Costs	Indirect Costs	Total Costs
M8K3N03PGD	General Management & Admin Support			\$422,445	\$422,445
M8K3N03PDM	DARRP Management & Admin Support			174,681	174,681
M8K3N03PDT	DARRP Training			75,483	75,483
M8K3N03PGW	General Training & Non-Case Workshops			40,464	40,464
M8K3N03PDP	DARRP Program Policy & Development			22,356	22,356
M8K3N03PFF	General FOIA Response			20,745	20,745
1CK3FARP00	DARRF Base			13,727	13,727
M8K3N03PGR	General Research & Methods Development			13,222	13,222
L8K3N03PGD	General Management & Admin Support			12,850	12,850
M8K3N03P9B	Coastal Protection and Restoration			9,789	9,789
M8LAH1APA1	DARRP Support			6,651	6,651
L8K3N03PDM	DARRP Management & Admin Support			4,471	4,471
L8K3N03PGR	General Research & Methods Development			2,002	2,002
L8K3N03PDP	DARRP Program Policy & Development			1,292	1,292
L8K3N03PFF	General FOIA Response			271	271
M8K3N03PN5	Coastal Protection and Restoration			253	253
M8K3N03PA1	Artic NRDA Planning			135	135
M8K3N03P00	OR&R Assessment and Restoration			63	63
L8K3ENAP00	NRDA Management and Admin Support			<u>5</u>	5
1CK3GC4P00	Deepwater Coast Guard FY14	\$650,343	\$171,488		821,831
1CK3GB3P00	Deepwater BP2012	466,271	151,043		617,314
M8PDHLSP00	Deepwater Horizon Litigation Support	267,036	59,587		326,623
2CK3WB3P00	DWH BP FF Restoration	190,611	53,531		244,142
2CK3WC4P00	DWH Coast Guard FF Restoration	162,000	35,571		197,571
M8K3N03PMC	Miscellaneous DARRP Case Charges	83,813	14,194		98,007
2CK3LNBP00	New Bedford Harbor	40,954	6,944		47,898
1CK3GDLP00	Deepwater BP Lost Use FY13/14	33,112	11,181		44,293
1CK3GDVP00	Deepwater CG Total Value FY13	28,425	12,129		40,554
M8K3N03P7Y	Duwamish River Oversight Trustee	24,217	4,097		28,314
M8K3N03PW7	Newtown Creek Oil Spill	19,465	3,291		22,756
1CK3G29P00	Portland Harbor, Phase II	17,508	7,663		25,171
M8K3N03P05	Grand Cal/Mtl Bk	17,240	2,923		20,163
M8K3N03P84	Hudson River Trustee	16,439	2,792		19,231
17K3EE5PDA	Damage Assessment, NRDA	12,302	2,145		14,447
M8K3N03P18	Raritan Bay Slag SF Site, NRDA	10,585	1,789		12,374
M8K3N03PPG	Port Gardner Waste Site	10,511	1,785		12,296
M8K3N03P68	6th Street Dump Trustee	10,419	1,758		12,177
M8K3N03PGZ	Cornell-Dubilier,NJ,NRD	10,289	1,741		12,030
M8K3N03PX4	Sheboygan Harbor and River	10,115	1,712		11,827
17K3EM4P00	Enbridge Energy K'Zoo Oil Spill	9,710	1,642		11,352
M8K3N03PCI	Cosco Buson Litigation Support	9,669	1,635		11,304
M8K3N03PKT	Kirby Barge Oil Spill	9,565	1,622		11,187
17K3N23P00	DOE NIAA IAG Hanford	9,371	1,584		10,955
2CK3L68P00	St Lawrence - Settlement	8,502	3,427		11,929

Task Code	Task Code Description	Direct Labor Costs	Other Direct Costs	Indirect Costs	Total Costs
M8K3N03P6L	Koppers-Chs Trustee	7,911	1,338		9,249
M8K3N03PX1	LCP Honeywell	6,662	1,121		7,783
M8K3N03PWH	Port Angeles Western Harbor NRDA	6,658	1,123		7,781
2CK3M8AP00	MSRP Trustee Council Operating Budget	6,568	1,113		7,681
2CK3L32P00	Commencement Bay Settlement	6,339	1,072		7,411
M8K3N03P13	PH Raydnier Mill Site Port Angeles NRDA	6,170	1,041		7,211
M8K3N03P1B	Roanoke River - Albermarle Sound/NRT	5,619	949		6,568
M8K3N03PBN	Trustee DA	5,247	883		6,130
2CK3M67P00	Cosco Busan - Restoration	4,888	1,270		6,158
M8K3N03PKJ	Bayou D`Inde	4,845	819		5,664
M8K3N03P55	NRDA American Cyanamid Pfizer Co.	4,801	811		5,612
2CK3M49P00	Luckenbach, San Manteo	4,211	1,397		5,608
17K3EG3P00	Buzzards Bay/Bouchard 120 Oil Spill	3,930	665		4,595
2CK3L88PEW	Mulberry Estuarine Wetland Project	3,719	627		4,346
M8K3N03PDJ	Duwamish River NRD, Jorgenson Forge	3,490	590		4,080
M8K3N03PDU	Dupont Beaumont Region 6	3,484	590		4,074
M8K3N03PW4	Interlake Trustee	3,384	574		3,958
M8K3N03PCK	Piles Creek, NRD	3,333	564		3,897
2CK3LGPPWL	Wildlands/Linnton	3,162	849		4,011
M8K3N03PFL	Fox River Litigation	3,066	519		3,585
M8K3N03PC7	Berry's Creek (W)	2,860	482		3,342
1CK3G27P00	Passaic - 21 Companies Future Restoration	2,742	463		3,205
17K3EM3P00	Voge Trader Grounding	2,735	468		3,203
M8K3N03P25	Kerr McGee Chem Co	2,717	460		3,177
2CK3L25P00	Lordship Point Settlement	2,665	452		3,117
2CK3M47P02	Equinox Restoration	2,567	436		3,003
2CK3L31P00	Bainbridge Island/Wyckoff Settlement	2,502	426		2,928
2CK3L91P00	Ashtabula River and Harbor	2,374	405		2,779
M8K3N03P16	PH Linton Settlement	2,234	379		2,613
M8K3N03PEV	Exxon Valdez	2,116	358		2,474
M8K3N03PRB	Duwamish River NRD Seattle/Bluefields	2,082	355		2,437
M8K3N03P42	Lower Duwamish NRD - Todd	2,034	344		2,378
17K3EJ6P00	Citgo, LA Calcasieu River	1,937	326		2,263
M8K3N03P07	Industrial Plex	1,865	316		2,181
M8K3N03PDY	Lower Duwamish	1,864	319		2,183
M8K3N03PPS	Duwamish River, NRD for Port of Seattle	1,841	313		2,154
2CK3L65P00	Boeing Settlement	1,811	311		2,122
L8K3N03PMC	Miscellaneous DARRP Case Charges	1,735	293		2,028
2CK3L62PTR	Athos Settlement	1,617	274		1,891
2CK3M64P00	Castro Cove/Chevron Texaco	1,586	268		1,854
17K3EL5P00	Barge DM932 - New Orleans - LA Oil Spill	1,558	270		1,834
M8K3N03PV3	Kinder Morgan	1,433	242		1,675
M8K3N03P70	Gowanus SF Site	1,290	219		1,509
17K3EM1P00	Adak Oil Spill, Alaska	1,290	219		1,433
M8K3N03PS2	San Diego Bay, CA NRDA	1,226	197		1,433
	Raynar Settlement				
2CK3L17P00	·	1,143 967	193 164		1,336
L8K3N03P13	PH Raydnier Mill Site Port Angeles NRDA LA TB DBL 152				1,131
17K3EJ3P00		841 705	146		987
2CK3LTUP00 M8K3N03P1L	Tulalip Restoration Hudson River Litigation Support	705	119 120		824 824

Task Code	Task Code Description	Direct Labor Costs	Other Direct Costs	Indirect Costs	Total Costs
M8K3N03PTF	Commencement Bay, WA	703	119		822
2CK3L63P00	Casitas Restoration	685	118		803
2CK3L46P00	Elliott Bay Settlement	676	114		790
M8K3N03PL2	Atlantic Wood Industries	587	100		687
2CK3L61PA0	Buzzards Bay/Bouchard 120 Oil Spill	558	94		652
L8K3N03PSR	Star Lake Canal	522	88		610
2CK3L90P00	Malone Services Settlement	512	89		601
M8K3N03P9G	CIBA - McIntosh Plant	512	87		599
M8K3N03P47	Lower Duwamish	510	86		596
L8K3N03P68	6th Street Dump Trustee	503	92		595
M8K3N03PSR	Star Lake Canal	477	82		559
2CK3W05P00	Portland Harbor	439	73		512
M8K3N03P30	Lower Duwamish NRD - De Minimis Parties	430	74		504
M8K3N03PV1	L.A. Clarke & Son, VA, NRD	406	68		474
2CK3W06P00	Passaic River Kinder Morgan	338	618		956
L8K3N03P1B	Roanoke River - Albermarle Sound/NRT	333	57		390
L8K3N03P84	Hudson River Trustee	320	55		375
L8K3N03PPG	Port Gardner Waste Site	313	53		366
M8K3N03P39	Lower Duwamish NRD	295	50		345
1CK3G11P02	Injury Assessment City of Portland	291	50		341
L8K3N03PDU	Dupont Beaumont Region 6	287	48		335
M8K3N03PXM	Exxon Mobil	278	48		326
2CK3M8CP00	MSRP Operating Budget	273	2,911		3,184
2CK3L92P00	Cape Flattery Grounding	262	44		306
2CK3M64PCR	Cullinan Rnach	248	42		290
L8K3N03PGZ	Cornell-Dubilier,NJ,NRD	233	40		273
M8K3N03PGB	Green's Bayou	209	36		245
M8K3N03P15	Nyanza Restoration	206	35		241
M8K3N03PHR	Hudson River PCBS	206	35		241
L8K3N03P05	Grand Cal/Mtl Bk	205	35		240
M8K3N03P45	Duwamish Boyer Towing	189	33		222
1CK3G11P01	Portland Harbor	176	30		206
1CK3G31F01	PH Navigational	174	29		203
2CK3L28P00	Portland Harbor Restoration	145	25		170
L8K3N03PBN	TRUSTEE DA	139	24		163
2CK3L1EP00	Everreach Evergreen	135	24		159
	Duwamish River	108	19		+
M8K3N03PLW					127
L8K3N03PGB	Green's Bayou Siltronic Path C	105	17		122
1CK3GPCP01		88	15		103
L8K3N03P70	Gowanus	83	14		97
M8K3N03PDA	Lower Duwamish River NRDA	81	14		95
L8K3N03P1L	Hudson River Litigation Support	77	13		90
L8K3N03PKJ	Bayou D`Inde	71	12		83
2CK3LC2PZZ	Chalk Point	59	10		69
L8K3N03PW7	Newtown Creek Oil Spill	56	9		65
M8K3N03PHG	Holyoke Gas	52	9		61
1CK3GPCP03	Air Liquide	29	5		34
1CK3GPCP04	Port of Portland	29	5		34
M8K3N03PLD	Portland Harbor	29	5		34
1CK3G26P00	Passaic NRDA	28	5		33

		Direct Labor	Other Direct	Indirect	
Task Code	Task Code Description	Costs	Costs	Costs	Total Costs
L8K3N03PC7	Berry's Creek	28	5		33
L8K3N03PL2	Atlantic Wood Industries	28	5		33
2CK3L42P00	Lavaca Bay Settlement	27	5		32
L8K3N03P9G	CIBA McIntosh	27	5		32
M8K3N03P31	Lower Duwamish NRDA	27	5		32
M8K3N03PB1	CIBA GEIGY	27	5		32
2CK3MTVP00	TV Command Restoration	26	5		31
L8K3N03PCK	Piles Creek, NRD	24	4		28
L8PDHLSP00	Deepwater Horizon Litigation Support	<u>(565)</u>	(999)		(1,564)
1CK3FARP7Y	Duwamish River, General NRD		7,140		7,140
1CK3FARPCI	Portland Harbor NRDA		2,887		2,887
1CK3FARP50	Newtown NRD, NY		2,277		2,277
1CK3FARPPG	Port Gardner Waste Site		1,199		1,199
1CK3FARPX4	Sheboygan Harbor and River		1,179		1,179
1CK3GDAP00	DWH NRDA CG Approved		878		878
1CK3FARP55	NRDA American Cyanamid Pfizer Co.		589		589
1CK3FARP05	Metal Bank of America		362		362
1CK3FARPDJ	Duwamish River NRD		314		314
1CK3FARP70	Gowanus		<u>255</u>		<u>255</u>
Total		<u>\$2,294,191</u>	<u>\$606,392</u>	<u>\$820,905</u>	\$3,721,488

SCHEDULE 2

GENERAL COUNSEL FOR NATURAL RESOURCES SECTION
FISCAL YEAR 2014 DARRP COSTS BY OBJECT CLASS

		Direct Labor	Other Direct		
Object Class	Object Class Description	Costs	Costs	Indirect Costs	Total Costs
	General Schedule, General Merit, Senior				
	Executive Service and Presidential				
1112	Appointees	\$1,454,291		\$435,302	\$1,889,593
	Leave Surcharge Full-Time Permanent				
1160	Appointments	340,242		101,840	442,082
1180	Credit Hours Earned	22,309		10,031	32,340
1210	Employer's Contribution Surcharge	<u>477,349</u>		142,889	620,238
2319	Rental Payments to GSA		\$163,576	49,257	212,833
9876	General Support		225,327	67,854	293,181
	Expenses Related to Domestic Travel - Paid				
2140	Directly to the Traveler		126,494	8,752	135,246
	Expenses Related to Domestic Travel - Paid				
2143	Directly to Vendors		70,743	4,975	75,718
2213	All Other Transportation of Things			<u>5</u>	5
2334	Rental of Equipment		2,345		2,345
2338	Telecommunications Local Services		4,258		4,258
2513	Engineering and Technical Services		7,997		7,997
	Other Training by University or Non-Federal				
2526	Source		969		969
2618	Purchases of ADP Supplies		320		320
2619	Purchases		1,096		1,096
3120	Non-Capitalized Equipment		179		179
	Non-Capitalized ADP and				
3123	Telecommunications Equipment		<u>3,088</u>		<u>3,088</u>
Total		<u>\$2,294,191</u>	<u>\$606,392</u>	<u>\$820,905</u>	\$3,721,488